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# REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-FOURTH SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Mr. Roman Kuzniar

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1998/43. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at national and international level,

Recalling its resolution 1996/35 of 19 April 1996, in which it regarded the draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law prepared by Mr. Theo van Boven as a useful basis for giving priority attention to the question of restitution, compensation and rehabilitation,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1998/34) submitted to the Commission in compliance with its resolution 1997/29,

Noting with interest the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. Calls once more upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Requests the Chairman of the Commission on Human Rights to appoint an expert to prepare a revised version of the draft basic principles and guidelines elaborated by Mr. van Boven, taking into account the views and comments provided by States, intergovernmental and non-governmental organizations, and to submit it to the Commission on Human Rights at its fifty-fifth session, with a view to its adoption by the General Assembly;

3. Requests the Secretary-General to invite States that have not yet done so, as well as intergovernmental and non-governmental organizations, to

submit their views and comments on the draft basic principles and guidelines prepared by Mr. van Boven as soon as possible, and by no later than 31 October 1998, and to make that information available to the independent expert;

4. Decides to continue the consideration of this matter at its fifty-fifth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. VIII.]

1998/44. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Recalling also its resolution 1997/45 of 11 April 1997 on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region and welcoming the call to practical action on this issue by the United Nations High Commissioner for Human Rights,

Recognizing the valuable contribution that independent national institutions and non-governmental organizations can make in the field of human rights to the concept of regional arrangements,

Welcoming the convening of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region held in Tehran from 28 February to 2 March 1998,

1. Welcomes the report of the Secretary-General (E/CN.4/1998/50) and the progress achieved in the implementation of Commission on Human Rights resolution 1997/45;

2. Also welcomes the conclusions of the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Endorses the conclusions of the sixth workshop including the Framework for Regional Technical Cooperation in the Asian and Pacific Region (E/CN.4/1998/50, annex II) adopted at the workshop to strengthen national capacities for the promotion and protection of human rights in the region;

4. Commends the efforts of the Government of the Islamic Republic of Iran as the host of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region;

5. Notes the contribution of representatives of non-governmental organizations to the workshop;

6. Also notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions;

7. Further notes that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human rights education, mutual cooperation and information sharing, and welcomes, in this respect, the work of the Asia-Pacific Forum of National Human Rights Institutions;

8. Encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation for the promotion and protection of human rights, to further strengthen national human rights capacities, and in this regard calls upon the High Commissioner to give adequate attention to the programme;

9. Encourages States in the Asian and Pacific region to hold regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights with the assistance of the Office of the High Commissioner for Human Rights;

10. Also encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

11. Requests the Secretary-General to submit to the Commission at its fifty-fifth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

12. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/45. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article,

Taking into account Commission on Human Rights resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and its practical application, should be established as a priority in education policies,

Believing that each woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages that takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome infection and disabled persons,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994 by which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade, as contained in the report of the Secretary-General (A/49/261-E/1994/110/Add.1, annex), and requested the United Nations High Commissioner for Human Rights to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 52/127 of 12 December 1997 by which the Assembly urged all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information,

1. Takes note with appreciation of the report of the Secretary-General to the General Assembly on the implementation of the Plan of Action for the United Nations Decade on Human Rights Education (A/52/469 and Add.1);

2. Welcomes the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action, and to develop public information activities in the field of human rights, as indicated in the report of the Secretary-General;

3. Urges all Governments to contribute further to the implementation of the Plan of Action, in particular by establishing, in accordance with

national conditions, broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the guidelines for national plans of action for human rights education, contained in the report of the Secretary-General (A/52/469/Add.1);

4. Also urges Governments to encourage, support and involve national and local non-governmental and community-based organizations in the implementation of their national plans of action;

5. Requests the United Nations High Commissioner for Human Rights to accelerate, within existing resources, the implementation of the Plan of Action and, in particular, to encourage and facilitate the establishment of national plans of action for human rights education in Member States in accordance with national conditions;

6. Encourages the Office of the United Nations High Commissioner for Human Rights to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects;

7. Requests human rights monitoring bodies to consider adopting a general comment on human rights education, and to place emphasis when examining reports of States parties, on obligations of States parties in the area of human rights education and information and to reflect this emphasis in their concluding observations;

8. Invites the specialized agencies and relevant United Nations programmes and funds to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and to cooperate closely with the Office of the High Commissioner in that regard;

9. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials;

10. Calls upon international, regional and national non-governmental organizations and intergovernmental organizations, in particular those concerned with women, labour, development, food, housing, education, health care and the environment, as well as all other social justice groups, human rights advocates, educators, religious organizations and the media, to undertake specific activities of formal, non-formal and informal education, including cultural events, alone and in cooperation with the Office of the High Commissioner, in implementing the Plan of Action;

11. Encourages Governments and intergovernmental and non-governmental organizations to undertake human rights education and information initiatives as a contribution to the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, and to continue this work, in accordance with the Plan of Action, for the duration of the Decade;

12. Requests the Office of the High Commissioner, to consider appropriate ways and means, including the possibility of establishing a voluntary fund, to support human rights education activities, including those undertaken by non-governmental organizations;

13. Decides to continue consideration of the question of human rights education at its fifty-fifth session under the same agenda item, in connection with the question of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/46. Composition of the staff of the Office of the High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations,

Recalling also part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action in which the World Conference on Human Rights

requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with concern that the report submitted by the High Commissioner to the Commission on the geographical composition and the functions of the staff of her Office (E/CN.4/1998/52) pursuant to resolution 1997/76, clearly reflects that one region is unequivocally overrepresented in the staff composition,

Expressing its concern again over the under-representation of the developing countries within the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. Takes note of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner for Human Rights (E/CN.4/1998/52);

2. Welcomes the statement of the High Commissioner to the Third Committee of the General Assembly at its fifty-second session, in which she expressed her willingness to ensure a good geographical balance and a sense of bringing together North and South in a joint commitment to human rights, in the process of filling key senior positions in the Office as well as the post of Deputy High Commissioner;

3. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

4. Considers that it is necessary, within the process of restructuring the Office of the High Commissioner for Human Rights, to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of the staff of the Office, in favour of a more

equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

5. Requests the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries for the existing vacancies and for other additional posts in the Office of the High Commissioner for Human Rights so as to ensure equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

6. Requests once again the Secretary-General, in signing agreements with countries as a result of which junior professional officers are provided to the Office of the High Commissioner for Human Rights, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as junior professional officers, with a view to conforming to the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every junior professional officer from a donor country who joins the Office will be matched by another junior professional officer from a developing country;

7. Emphasizes the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to filling those posts;

8. Requests the High Commissioner for Human Rights to ensure that junior professional officers are not given sensitive political assignments where their impartiality may be questioned;

9. Reaffirms the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue ensuring that the fulfilment of her mandate and that of the Office is guided by these principles;

10. Requests the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-fifth session which should include:

(a) The composition of the staff of the Office, organized by United Nations regional groups and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(b) Measures adopted to improve the current situation and their results;

(c) Recommendations to improve the current situation;

11. Decides to consider this matter under the same agenda item at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted by a roll-call vote of 36 votes to 16, with 1 abstention. See chap. IX.]

1998/47. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations adopted by the General Assembly in its resolution 50/6 of 24 October 1995,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling further General Assembly resolutions 46/51 of 9 December 1991, 49/60 of 9 December 1994, 50/53 of 11 December 1995, 50/186 of 22 December 1995, 51/210 of 17 December 1996 and 52/133 of 12 December 1997, as well as its own resolution 1997/42 of 11 April 1997,

Noting resolution 1997/39 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and noting the decision to conduct a comprehensive study on human rights and terrorism which may include the possibility of studying the impact of terrorism in all its forms and manifestations on the vulnerable groups of the society such as women, children, the elderly, refugees, minorities and indigenous people,

Recalling that the Universal Declaration of Human Rights, which marks its fiftieth anniversary in 1998, states in its preamble that every individual and every organ of society shall strive by teaching and education to promote respect for all rights and freedoms enshrined in the Declaration,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never by justified in any instance, including as a means to promote and protect human rights,

Taking into account that acts of terrorism in all their forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing also in mind that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Bearing further in mind that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the high number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern that many terrorist groups are connected with other criminal organizations engaged in the illegal traffic in arms and illicit drug trafficking at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, taking of hostages, robbery, money laundering and rape,

Mindful of the need to protect human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, particularly the right to life,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law including international human rights standards,

Stressing the need further to strengthen international cooperation between States, international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and inviting interested non-governmental organizations to join States in condemning terrorism,

Noting that the General Assembly requested the Secretary-General to continue to seek the views of Member States on the possible establishment of a voluntary fund for the victims of terrorism,

1. Expresses its solidarity with the victims of terrorism;

2. Condemns the violations of the right to live free from fear and of the right to life, liberty and security;

3. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;

4. Condemns incitement of ethnic hatred, violence and terrorism;

5. Calls upon States to take all necessary and effective measures, in strict conformity with international law including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

6. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

7. Urges all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

8. Takes note of the working paper submitted by Ms. Kalliopi K. Koufa to the Sub-Commission entitled "Terrorism and human rights"

(E/CN.4/Sub.2/1997/28), and notes in particular the need to further study the role and responsibility of non-State actors in the sphere of human rights;

9. Requests the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism, as well as on the effects of the fight against terrorism, on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and to make it available to the concerned special rapporteurs and working groups of the Commission on Human Rights for their consideration;

10. Decides to continue consideration of the question at its fifty-fifth session as a matter of priority.

52nd meeting
17 April 1998
[Adopted by a vote of 33 votes to none, with 20 abstentions. See chap. IX.]

1998/48. Human rights and arbitrary deprivation of nationality

The Commission on Human Rights,

Recalling its resolution 1997/36 of 11 April 1997,

Reaffirming article 15 of the Universal Declaration of Human Rights, in accordance with which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Recalling the provisions of other international human rights instruments, including article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3, of the International Covenant on Civil and Political Rights and articles 7 and 8 of the Convention on the Rights of the Child,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic, religious or gender grounds,

Recalling that deprivation of a nationality of a person may lead to statelessness,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

1. Reaffirms the importance of the right to a nationality of every human person as an inalienable human right;

2. Recognizes that arbitrary deprivation of a nationality on racial, national, ethnic, religious or gender grounds is a violation of human rights and fundamental freedoms;

3. Calls upon all States to refrain from taking measures and from enacting legislation that discriminates against persons or groups of persons on grounds of race, colour, gender, religion, or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to a nationality, especially if it renders a person stateless, and to repeal such legislation if it already exists;

4. Notes that full social integration of an individual might be impeded as a result of arbitrary deprivation of a nationality;

5. Takes note of the information received in response to the request of the Secretary-General;

6. Urges the appropriate mechanisms of the Commission on Human Rights and the pertinent United Nations treaty bodies to continue to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports;

7. Requests the Secretary-General to report to the Commission at its fifty-fifth session on the implementation of the present resolution;

8. Decides to remain seized of this matter.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/49. Human rights and mass exoduses

The Commission on Human Rights,

Disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions, in particular resolution 1997/75 of 18 April 1997, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to the mass exodus and displacement of people,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights, the principles of international protection for refugees and the General Conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on international protection, and that asylum applicants should have access to fair and expeditious status-determination procedures,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Noting the complementarity between the systems for the protection of human rights and humanitarian action, and that cooperation between them makes an important contribution to the promotion and protection of human rights of persons forced into mass exodus and displacement,

Recognizing the complementarity of the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees and the importance of cooperation between them,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries in safety and dignity,

1. Recalls the endorsement, by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race gender, age, religion or language;

2. Takes note with interest of the report on human rights and mass exoduses (E/CN.4/1998/51) submitted by the High Commissioner for Human Rights;

3. Reaffirms the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious problems that result from, mass exoduses of refugees and displaced persons;

4. Emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons, and calls on Governments and the relevant United Nations agencies to continue to respond to assistance needs of countries hosting large numbers of refugees until durable solutions are found;

5. Recalls article 14 of the Universal Declaration of Human Rights which states that everyone has the right to seek and to enjoy in other countries asylum from persecution and that this right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations;

6. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967 and to relevant regional refugee instruments, as applicable, and other relevant international human rights instruments;

7. Calls upon States to ensure effective protection of refugees by, inter alia, respecting the principle of non-refoulement;

8. Recognizes that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights;

9. Requests the High Commissioner for Human Rights, in the exercise of her mandate, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to human rights situations which

cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information sharing, technical advice, and expertise and cooperation in countries of origin as well a host countries;

10. Welcomes the efforts of the High Commissioner for Human Rights to contribute to the creation of an environment for a viable and sustainable return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of independent national institutions capable of defending human rights, and broad-based programmes of human rights education, as well as strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

11. Requests all United Nations bodies, including the special rapporteurs, special representatives and working groups of the Commission, the United Nations human rights treaty bodies, acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to provide the High Commissioner for Human Rights with all relevant information in their possession on human rights situations that create or affect refugees and displaced persons for appropriate action in fulfilment of her mandate in consultation with the United Nations High Commissioner for Refugees;

12. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of the Commission on Human Rights and to other international human rights bodies and mechanisms, and invites her to address the Commission at each of its future sessions;

13. Requests the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and comments and to prepare and submit, within existing resources, to the Commission at its fifty-sixth session a report on measures to prevent violations and denials of human rights that lead to and take place during mass exoduses and displacement;

14. Decides to continue its consideration of the question at its fifty-sixth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question

of the programme and methods of work of the Commission", under sub-item entitled "Human rights, mass exoduses and displaced persons".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/50. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Recalling its previous relevant resolutions, in particular resolution 1997/39 of 11 April 1997, as well as those of the General Assembly, and the Vienna Declaration and Programme of Action (A/CONF.157/23) regarding the need to develop global strategies to address the problem of internal displacement,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, international humanitarian law and analogous refugee law and recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection,

Noting the progress made so far by the representative of the Secretary-General on internally displaced persons in developing a legal framework, in particular the compilation and analysis of legal norms and the development of guiding principles; analysing institutional arrangements; undertaking dialogue with governments and issuing a series of reports on particular country situations together with proposals for remedial measures,

Welcoming the cooperation established between the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Office for the Coordination of Humanitarian

Affairs, the United Nations Children's Fund, the World Food Programme and the World Health Organization, as well as the International Organization for Migration, the International Committee of the Red Cross and other relevant international and regional organizations and agencies,

Welcoming also the decision by the Inter-Agency Standing Committee to extend a standing invitation to the representative of the Secretary-General on internally displaced persons to participate in its meetings, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

1. Takes note with of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53), including the study on the legal aspects relating to the protection against arbitrary displacement (Add.1) and the guiding principles on internal displacement (Add.2) presented by the representative of the Secretary-General;

2. Expresses its appreciation to the representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

3. Also expresses its appreciation to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the representative of the Secretary-General, urges them to continue to do so and calls upon others to provide support for the efforts of the representative;

4. Encourages the representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

5. Notes with interest the decision of the Inter-Agency Standing Committee welcoming the guiding principles and encouraging its members to share them with their Executive Boards;

6. Notes the stated intention of the representative of the Secretary-General to make use of the guiding principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requests him to report to the Commission on his efforts and on the views expressed to him;

7. Welcomes the specific attention paid by the representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and encourages him to continue to draw attention to these needs;

8. Thanks Governments which have invited the representative of the Secretary-General to visit their countries and invites them to give due consideration, in their dialogue with the representative, to his recommendations and suggestions and to make available information on measures taken thereon;

9. Calls upon all Governments to facilitate the activities of the representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the representative;

10. Commends the representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons;

11. Encourages the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, as well as the United Nations High Commissioner for Refugees, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations Development Programme, the United Nations Children's Fund, the World Food Programme, the World Health Organization, the International Organization for Migration and the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations further to enhance their collaboration by developing frameworks of cooperation to promote protection, assistance and development for internally displaced persons, inter alia by appointing focal points within their organizations for these matters;

12. Urges these organizations, especially through the Inter-Agency Standing Committee, to continue to focus on problems relating to protection,

assistance and solutions for internally displaced persons, including through the setting up of a more comprehensive and coherent system of collecting data on their situation, and to strengthen their collaboration with the representative of the Secretary-General;

13. Welcomes the initiatives undertaken by regional organizations, such as the Organization for Security and Cooperation in Europe, the Organization of African Unity and the Organization of American States, to address the assistance, protection and development needs of internally displaced persons, and encourages them to strengthen these activities and their cooperation with the representative;

14. Welcomes the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the representative of the Secretary-General;

15. Calls upon the High Commissioner for Human Rights to continue to develop projects, in cooperation with Governments, relevant international organizations and the representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

16. Decides to extend for a further three years the mandate of the representative;

17. Requests the Secretary-General to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the representative of the Secretary-General to continue to seek the contribution of local, national and regional institutions;

18. Decides to continue its consideration of the question of internal displacement at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/51. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its previous resolutions on the subject and the agreed conclusions 1997/2 adopted by the Economic and Social Council on mainstreaming a gender perspective into all policies and programmes in the United Nations system,

Recalling also that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Bearing in mind that the Fourth World Conference on Women, in the Beijing Platform for Action (A/CONF.177/20, chap. I), called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Emphasizing the major role of the Commission on the Status of Women in promoting equality between women and men and, in particular, welcoming its agreed conclusions on the human rights of women, violence against women, women and armed conflict, and the girl child adopted at its forty-second session,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. Welcomes the report of the Secretary-General (E/CN.4/1998/49 and Add.1);

2. Also welcomes the commitment of the United Nations High Commissioner for Human Rights to integrate the human rights of women throughout the United Nations system;

3. Emphasizes that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women, and to this end calls upon all relevant actors to implement the agreed conclusions of the Economic and Social Council through such measures as the adoption of gender-mainstreaming policies, the improvement of tools for gender mainstreaming, the establishment of instruments and mechanisms for monitoring and evaluation, and the creation of accountability mechanisms for gender mainstreaming;

4. Also emphasizes that the responsibility for mainstreaming starts at the highest levels and, therefore, encourages the High Commissioner for Human Rights, in collaboration with the Division for the Advancement of Women, to elaborate a gender mission statement and strategies for effectively implementing the agreed conclusions;

5. Welcomes the cooperation and coordination between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights aimed at mainstreaming women's human rights such as the joint work plan (E/CN.6/1998/2/Add.1) and requests that this plan continue to reflect all aspects of work under way and identify where obstacles/impediments exist and areas for further collaboration, and that it be made available to the Commission on Human Rights at its fifty-fifth session and to the Commission on the Status of Women at its forty-third session;

6. Calls for further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women in order to more effectively promote women's human rights through, inter alia:

(a) Collaborating in the writing of reports for the Commission on the Status of Women and the Commission on Human Rights, building on the first initiative of this type (E/CN.4/1998/22-E/CN.6/1998/11) and making available their reports to each other;

(b) Sharing information systematically on the work of the Committee on the Elimination of Discrimination against Women in order to ensure that its concluding comments and general recommendations are better utilized in the work of the other treaty bodies and United Nations human rights activities;

(c) Capacity-building to implement the agreed conclusions of the Economic and Social Council on mainstreaming a gender perspective, in particular training and gender sensitization, especially for personnel involved in human rights field operations;

7. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to regularly and systematically take a gender perspective into account in the implementation of their mandates, and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

8. Welcomes, in this regard, the paper prepared by the United Nations Development Fund for Women (E/CN.4/1997/131, annex) for the meeting of the special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights held from 28 to 30 May 1996 (see E/CN.4/1997/3) and the description therein that gender-specific reporting and analysis is an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the consequences for the victim, and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis in conclusions and recommendations;

9. Draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex) and, in this regard, recommends that the Office of the High Commissioner for Human Rights, together with other relevant United Nations agencies and secretariats, consider the organization of another such meeting to evaluate measures taken and any obstacles to implementation of these guidelines including assessing possible new strategies to implement them;

10. Encourages the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective bearing in mind the need to:

(a) Develop gender-sensitive guidelines to be used in the review of States parties' reports;

(b) Develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(c) Incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations with a view to the preparation of general comments which reflect a gender perspective;

(d) Incorporate a gender perspective into concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

11. Urges States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review them with a view to withdrawing them, and withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

12. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to bear in mind, inter alia, the need for expertise in the human rights of women in the recruitment of staff;

13. Draws attention to the need to give due consideration to the human rights of women and the girl child in the five-year review of the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and, in this regard, welcomes the recommendations contained in resolution 1998/... adopted by the Commission on the Status of Women at its forty-second session and the issuing of the information kit "Women's Rights: The Responsibility of All" by the Office of the High Commissioner for Human Rights;

14. Requests the Secretary-General to report on the implementation of the present resolution at its fifty-fifth session;

15. Decides to continue its consideration of the question at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/52. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolutions 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, and 1997/44 of 11 April 1997 in which this mandate was renewed,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Noting General Assembly resolution 52/99 of 12 December 1997 in which the Assembly, inter alia, reaffirmed that traditional or customary practices affecting the health of women and girls constitute a definite form of violence against women and girls and a serious form of violation of their human rights,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in

detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially targeted and vulnerable to violence,

Reiterating that acts of sexual violence in situations of armed conflict constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I) and follow-up action such as the agreed conclusions adopted by the Commission on the Status of Women at its forty-second session on violence against women, women and armed conflict and the human rights of women, and the Model Strategies and Practical Measures on the Elimination of Violence against Women in the field of Crime Prevention and Criminal Justice adopted by the General Assembly by its resolution 52/86 of 12 December 1997,

Noting with appreciation the Special Rapporteur's active participation at the forty-second session of the Commission on the Status of Women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1998/54 and Add.1), and encourages her in her future work;

2. Commends the Special Rapporteur for her analysis of violence in the family, violence in the community, and violence as perpetrated and/or condoned by the State;

3. Condemns all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in

violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

4. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law and calls for a particularly effective response to violations of this kind, including in particular murder, rape including systematic rape, sexual slavery and forced pregnancy;

5. Encourages Governments to support efforts to create an international criminal court that integrates a gender perspective in its statute and functioning, enabling a gender-sensitive interpretation and application of the statute;

6. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications;

7. Welcomes the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular, where appropriate, by sending joint urgent appeals and communications with other special rapporteurs;

8. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, in particular to respond to her requests for information on violence against women, its causes and its consequences, and to address the issue of violence against women in custody and in times of armed conflict;

9. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence

against women, including violence against women in times of armed conflict, violence against women in custody and violence against refugee and internally displaced women, and calls upon States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, and to comply with the Standard Minimum Rules for the Treatment of Prisoners;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(d) To enact and, where necessary, reinforce or amend penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, and to ensure that they conform with relevant international human rights instruments and humanitarian law;

(e) To adopt laws, where necessary, and reinforce existing laws that punish police, security forces or any other agents of the State who engage in acts of violence against women in the course of the performance of their duties, and to review existing legislation and take effective measures against the perpetrators of such violence;

(f) To cooperate with the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia in the apprehension and prosecution of individuals indicted for gender-related crimes and all other crimes within their jurisdiction;

(g) To protect children, especially the girl child, in situations of armed conflict against participation, recruitment, rape and sexual exploitation and abuse through adherence to the applicable principles of international human rights and humanitarian law;

(h) To create, improve or develop, as appropriate, and fund training programmes for judicial, legal, medical, social, educational, police, military, peacekeeping and immigration personnel, in order to avoid the abuse

of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To mainstream a gender perspective, as appropriate, into national immigration and asylum policies, regulations and practices, in order to extend protection to those women whose claim for protection is based on gender-related persecution;

(j) To examine and consider modifying existing legal definitions and standards to ensure that they fully protect the human rights of all women and girls affected by armed conflict, and to reaffirm that rape, including systematic rape, and sexual slavery in armed conflict constitute war crimes, and under certain circumstances constitute crimes against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide;

(k) To take account of the impact of armed conflict on the health of all women and introduce measures to address the full range of women's health needs, including those of women with disabilities, and the psychological needs arising from trauma stemming from sexual abuses and the effects of violations of their rights;

10. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those States which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

11. Calls upon States to eradicate traditional or customary practices, particularly female genital mutilation, that are harmful to or discriminatory against women and that are violations of human rights and fundamental freedoms of women through the development and implementation of national legislation and policies prohibiting such practices, the prosecution of perpetrators of such practices, and awareness-raising programmes, education and training;

12. Requests the Secretary-General to make available to the Commission on Human Rights at its fifty-fifth session and the Commission on the Status of

Women at its forty-third session his report to the General Assembly at its fifty-third session on the implementation of Assembly resolution 52/99;

13. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

14. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

15. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights, including, where appropriate, undertaking joint missions and writing joint reports;

16. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-third session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

17. Decides to continue consideration of the question as a matter of high priority at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

## 1998/53. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling the universality, interdependence and indivisibility of civil, political, economic, social and cultural rights,

Recalling also its resolution 1994/44 of 5 March 1994 and taking note of resolution 1997/28 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as Part II, paragraph 91, of the Vienna Declaration and Programme of Action,

Convinced that the expectation of impunity for violations of international human rights or humanitarian law encourages such violations and is one of the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators accountable, obtaining justice for their victims, as well as preserving historical records of such violations, will guide future societies and are integral to the promotion and implementation of human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Stressing the importance of establishing a permanent international criminal court as a measure in the fight against impunity, while acknowledging the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda,

1. Emphasizes the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women, and to take appropriate measures to address this important issue;

2. Recognizes that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of these violations are essential steps towards rehabilitation and reconciliation and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

3. Emphasizes the importance of taking all necessary and possible steps to hold accountable perpetrators of violations of international human rights and humanitarian law and urges States to take action in accordance with due process of law;

4. Calls upon States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

5. Notes the report submitted by Mr. Louis Joinet pursuant to Sub-Commission decision 1996/119 (E/CN.4/Sub.2/1997/20/Rev.1) and the Set of principles for the protection and promotion of human rights through action to combat impunity annexed to the report, and requests the Secretary-General to invite States, international organizations and non-governmental organizations to provide him with their views and comments thereon;

6. Requests the Secretary-General to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

7. Also requests the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report to the Commission on Human Rights at its fifty-fifth session;

8. Invites the special rapporteurs and other mechanisms of the Commission on Human Rights to give due consideration to the issue of impunity in the discharge of their mandates;

9. Decides to continue the consideration of this matter at its fifty-fifth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/54. Towards a culture of peace

The Commission on Human Rights,

Recalling General Assembly resolutions 50/173 of 22 December 1995 and 51/101 of 12 December 1996 on a culture of peace and resolution 51/104 of 12 December 1996 on the United Nations Decade for Human Rights Education and public information activities in the field of human rights,

Reaffirming that since war begins in the mind of men, it is in the mind of men that the defences of peace must be constructed,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights, strengthens solidarity among peoples and dialogue between cultures, and promotes democratic participation and the right to development of women and men on an equal footing,

Considering that a culture of peace is a process of integral transformation and institutional development that has its roots in social interaction and tolerance, and which expresses itself through the principles of freedom, justice, democracy, peaceful cohabitation and cooperation among peoples,

Recognizing that culture is an integral whole and a basis for the intellectual development of all human beings, affirms the need for access, on an equal basis, by children, men and women, including the elderly, to the science of knowledge, in particular to an education for peace, to the enjoyment of the beautiful legacy of mankind, for the full development of individuals as human beings,

Underlining the need to develop, at the dawn of the new millennium, preventive policies for the effective enjoyment of human rights and fundamental freedoms, including through encouraging all human beings to adopt a culture of peace,

Noting that the General Assembly has requested the Secretary-General, in coordination with the Director-General of the United Nations Educational,

Scientific and Cultural Organization, to present a consolidated report containing a draft declaration and programme of action on a culture of peace to the Assembly at its fifty-third session, in accordance with Assembly resolution 52/13 of 20 November 1997,

1. Welcomes General Assembly resolution 52/13 entitled "Culture of peace";

2. Also welcomes General Assembly resolution 52/15 of 20 November 1997, in which the Assembly proclaimed the year 2000 as the International Year for the Culture of Peace;

3. Urges States to promote a culture of peace based on the principles established in the Charter of the United Nations, respect for human rights, democracy, education for peace, promotion of sustainable development and the wider participation of women as an integral approach to preventing violence in its diverse manifestations;

4. Decides to consider the question of a culture of peace at its fifty-fifth session under the same agenda item.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/55. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own resolutions concerning national institutions for the promotion and protection of human rights, notably Commission on Human Rights resolution 1992/54 of 3 March 1992, General Assembly resolution 48/134 of 20 December 1993, Commission on Human Rights resolution 1997/40 of 11 April 1997 and General Assembly resolution 52/128 of 12 December 1997,

Welcoming the rapidly growing interest shown worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted by the Fourth World Conference on Women (A/CONF.177/20, chap. I), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Welcoming the strengthening of international cooperation amongst national human rights institutions, especially through the Fourth International Workshop on National Human Rights Institutions, held in Mérida, Mexico, in November 1997, and expressing appreciation to the Mexican National Human Rights Commission and the Office of the High Commissioner for Human Rights for organizing that event,

Also welcoming the strengthening of regional cooperation amongst national human rights institutions, including through the second meeting of the Asia Pacific Forum of National Human Rights Institutions, held in New Delhi in September 1997, the Third International United Nations Development Programme Workshop on Ombudsman and National Human Rights Institutions, held in Riga in June 1997, and the first meeting of Mediterranean national institutions for the promotion and protection of human rights, held in Marrakesh, Morocco, in April 1998,

Further welcoming the recommendation of the Committee of Ministers of the Council of Europe in September 1997 that member States consider establishing effective national human rights institutions,

Noting the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken a constructive part in such meetings as part of the delegations of Member States,

1. Reaffirms the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages Member States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

3. Welcomes the decisions announced recently by a growing number of States to establish, or consider establishing, national institutions for the promotion and protection of human rights;

4. Reaffirms the role of national institutions, where they exist, as appropriate agencies inter alia for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education (1995-2004); and encourages national institutions to play an active role in the celebrations marking the fiftieth anniversary of the Universal Declaration of Human Rights at the national and local levels;

5. Commends the activities of the High Commissioner for Human Rights in promoting and strengthening national institutions;

6. Welcomes the statements by the High Commissioner for Human Rights that the work on national institutions will be a high priority of her Office, and encourages her in her continuing efforts to integrate this work into the core activities of the Office;

7. Invites Governments to contribute additional, earmarked funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

8. Takes note of the role of the Coordinating Committee created by national institutions, as recognized in Commission on Human Rights resolution 1994/54 of 4 March 1994, in close cooperation with the Office of the High Commissioner for Human Rights, to assist Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

9. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the

Coordinating Committee during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the Office of the High Commissioner for Human Rights;

10. Also requests the Secretary-General to continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

11. Considers it important for national institutions which conform with the Principles relating to the status of national institutions to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies;

12. Notes the report of the Secretary-General concerning participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1998/47) and, in particular, the possible forms of such participation outlined therein, and requests the Secretary-General to submit to the Commission at its fifty-fifth session a report including a detailed analysis of the implications of these possible forms of participation and practical steps to take the matter forward;

13. Considers that existing practices should be continued in the interim to provide for such participation;

14. Welcomes the decisions to hold the third Asia-Pacific regional workshop of national institutions, the second regional meeting of African national institutions and the third regional meeting of European national institutions within the next year;

15. Invites Governments and intergovernmental organizations to contribute to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions;

16. Recognizes the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights;

17. Requests the Secretary-General to report to the Commission at its fifty-fifth session on the implementation of the present resolution;

18. Decides to continue its consideration of this question at its fifty-fifth session.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/56. Fiftieth anniversary of the Universal Declaration of Human Rights

The Commission on Human Rights,

Recalling that the Charter of the United Nations reaffirms the faith of the United Nations in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Recognizing the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations as well as the source of inspiration and a basis of subsequent progress in the field of human rights,

Concerned that human rights and fundamental freedoms are not fully and universally respected and continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights, and that some peoples still lack the full enjoyment of their right of self-determination,

Stressing the necessity for further national efforts as well as enhanced international cooperation, with a view to fully realizing all human rights and fundamental freedoms, including the need to promote greater awareness of the rights set forth in the Universal Declaration of Human Rights and in other international human rights instruments,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,

Reaffirming also the need to ensure full implementation of the human rights of women and the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms,

Reaffirming further the need for the international community to continue to review and assess the progress made in the field of human rights since the adoption of the Declaration and to identify obstacles and ways in which they can be overcome,

Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Recalling the decision by the General Assembly to convene a plenary meeting on 10 December 1998 to celebrate the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights,

Declares solemnly its commitment to the fulfilment of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations and as a source of inspiration for the further promotion and protection of all human rights and fundamental freedoms - political, economic, social, civil and cultural - including the right to development.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. IX.]

1998/57. Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission on Human Rights resolution 1997/46 of 11 April 1997,

Recalling also the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful that the United Nations High Commissioner for Human Rights, according to her mandate as established by the General Assembly in

resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States as well as for the coordination of human rights promotion and protection activities throughout the United Nations system,

Taking note with appreciation of the report of the Secretary-General on technical cooperation in the field of human rights (E/CN.4/1998/92), including the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and taking note also of the recommendations of the Board of Trustees of the Voluntary Fund,

1. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

2. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights, and encourages all States in need of assistance in this field to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

3. Encourages the United Nations High Commissioner for Human Rights to continue to develop the potential for the provision of advisory services and technical cooperation;

4. Stresses that, with a view to assisting States in promoting and protecting human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address the specific requirements of the requesting countries;

5. Reaffirms that the provision of advisory services and technical cooperation does not exempt any country from the monitoring activities of the uman rights programme, and notes in this regard that, in order to help produce lasting results, monitoring and preventive activities may need to be accompanied by promotional activities through advisory services and technical cooperation;

6. Welcomes efforts to integrate economic, social and cultural rights as well as a gender perspective into the technical cooperation programme;

7. Reaffirms that advisory services and technical cooperation in the field of human rights require close cooperation and coordination between

United Nations bodies and all specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and to promote all human rights, the rule of law and democracy;

8. Welcomes in this regard the enhanced cooperation between the Office of the High Commissioner for Human Rights and the United Nations Development Programme, as well as the Secretary-General's request to the High Commissioner to undertake an analysis of the technical assistance provided by United Nations entities in areas relating to human rights and to formulate proposals for improving complementarity of action;

9. Invites relevant United Nations treaty bodies, special rapporteurs and special representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

10. Emphasizes the need for an increase in the allocation of resources from within the regular United Nations budget for advisory services and technical cooperation in the field of human rights;

11. Expresses its appreciation for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and welcomes in particular the increasing contributions made by developing countries, and invites more Governments and non-governmental organizations to consider contributing;

12. Requests the Board of Trustees to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, and invites the Chairman of the Board to address the Commission;

13. Emphasizes the need for the nomination of a new coordinator for the Voluntary Fund with substantial experience in development cooperation;

14. Requests the Secretary-General

(a) To continue, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund, to ensure efficient management of the Voluntary Fund, strict and transparent project management rules, periodic evaluations of the programme and projects, and the dissemination of evaluation

results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

(b) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

(c) To submit an analytical report to the Commission on Human Rights at its fifty-sixth session on the progress and concrete achievements made as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

1998/58. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and the international covenants on human rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 1997/52 of 15 April 1997 and General Assembly resolution 52/138 of 12 December 1997,

Having in mind the report (A/52/499) on the human rights situation in Haiti submitted by the independent expert of the Commission on Human Rights, Mr. Adama Dieng, to the General Assembly and the note by the Secretariat dated 5 February 1998 (E/CN.4/1998/97),

Recognizing the important contributions of the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti, the National Commission for Truth and Justice, the United Nations Transition Mission in Haiti, terminated on 30 November 1997, and the United Nations Civilian Police

Mission in Haiti, currently functioning, to the task of restoring and strengthening democracy in Haiti and of establishing a climate of freedom and tolerance conducive to respect for human rights in that country,

Recognizing the interdependence and the mutual reinforcements between democracy, development and respect for human rights and fundamental freedoms and the commitment of the international community to supporting, strengthening and promoting this principle,

Expressing its concern at the adverse effects upon Haiti's political, economic and social situation caused by the absence of an agreement in regard to the appointment of a prime minister,

Bearing in mind that the people of Haiti is due to express in the coming months its political will, through free, honest and transparent elections in accordance with the Constitution and the laws,

Welcoming the report of the Secretary-General on the implementation of the programme of technical cooperation in Haiti (A/52/515),

Noting with satisfaction the renewal by the General Assembly, in its resolution 51/196 B of 31 July 1997, of the mandate of the International Civilian Mission to Haiti,

Welcoming the improvements effected in the human rights situation in Haiti since the restoration of its democratic regime and noting the declarations by the Haitian authorities to the effect that the Government of that country remains committed to upholding human rights,

Indicating its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions of that society, and which both account for and result from the limitations of the judicial and police systems, as indicated in the reports of the independent expert,

Reiterating its satisfaction at the invitation to visit the country addressed by the Government of Haiti to the Special Rapporteur on violence against women,

1. Thanks the Secretary-General, his Special Representatives and the independent expert on the human rights situation in Haiti of the Commission on Human Rights for their unremitting efforts on behalf of the consolidation of democratic institutions in Haiti and respect for human rights in that country;

2. Notes with gratitude the report of Mr. Adama Dieng, independent expert of the Commission on Human Rights, to the General Assembly on the situation of human rights in Haiti (A/52/499), and the recommendations contained therein;

3. Invites the Government of Haiti to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Reaffirms the importance, for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice, and once again urges the Government of Haiti to institute legal proceedings against the perpetrators of human rights violations identified by the Commission for Truth and Justice and to create effective facilities for support to the victims, particularly women, children and members of their families;

5. Encourages the political leaders and representatives of Haitian civil society to pursue a dialogue whereby agreement may be rapidly reached and the deadlock created with regard to the appointment of the prime minister may thereby be overcome;

6. Calls upon the Haitian authorities to mobilize political will for the pursuit of reform and for the strengthening of the judicial system and improvement of the country's prisons;

7. Draws attention to the need for the Haitian National Police to continue receiving technical training to enable it to perform its functions efficiently, within a framework of respect for human rights;

8. Welcomes the report submitted by the Secretary-General on the implementation of the programme of technical cooperation in Haiti which the Office of the United Nations High Commissioner for Human Rights is conducting for the purpose of strengthening institutional capacity in that field and especially in the areas of legislative reform, training of justice

administration personnel and human rights education, and requests him to submit a further report on the implementation of this programme to the Commission at its fifty-fifth session;

9. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the continuing fragility of the country's political, economic and social situation;

10. Notes with satisfaction the putting into operation by the Government of Haiti of the Office of Citizen Protection and invites the High Commissioner to contribute to its strengthening, through a programme of technical cooperation, so that it may develop into a national institution for the promotion of human rights, widely open to participation by civil society;

11. Invites once again the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country;

12. Invites the independent expert to report to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fifth session on developments in the human rights situation in Haiti;

13. Decides to continue consideration of this question at its fifty-fifth session under the item entitled "Advisory services in the field of human rights".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

1998/59. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1997/47 of 11 April 1997, in which it invited the independent expert, inter alia, to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, through the contributions of agencies and programmes of the United Nations,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Recognizing, as stated by the independent expert, that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Recognizing also that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

1. Welcomes the report of the independent expert and, in particular, her conclusions and recommendations (E/CN.4/1998/96);

2. Expresses deep concern at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards;

3. Strongly urges all parties in Somalia:

(a) To respect human rights and international humanitarian law pertaining to internal armed conflict;

(b) To support, as recommended by the independent expert, the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(c) To protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media;

4. Calls upon:

(a) All parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

(b) Regional and subregional organizations and concerned countries to continue and intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(c) Individual donor countries, international organizations and non-governmental organizations to incorporate human rights principles and objectives into the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

5. Requests the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fifth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical assistance through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

6. Welcomes the decision by the High Commissioner for Human Rights to appoint a human rights officer in the framework of the Office of the United Nations Resident and Humanitarian Coordinator for Somalia;

7. Requests the Secretary-General to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner for Human Rights for the implementation of advisory services and technical assistance;

8. Invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Decides to continue consideration of the question at its fifty-fifth session under the same agenda item.

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

1998/60. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling its resolution 1997/49 of 11 April 1997, General Assembly resolution 52/135 of 12 December 1997 and previous relevant resolutions, including Commission resolution 1993/6 of 19 February 1993, in which it

requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Recognizing that the tragic history of Cambodia requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris in 1991,

Desiring that the United Nations respond positively to assist efforts to investigate Cambodia's tragic history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Welcoming the continuing role and the visit to Cambodia in January 1998 of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. Welcomes the report of the Secretary-General concerning the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/52/489, sect.111) and encourages the Government of Cambodia to continue to cooperate with the Office, particularly in the run up to the national elections;

3. Also welcomes the agreement by the Government of Cambodia to extend the mandate of the office in Phnom Penh of the High Commissioner for Human Rights, enabling the Office to continue its operations and to maintain its technical cooperation programmes;

4. Encourages the Government of Cambodia to request the Office of the United Nations High Commissioner for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights, and looks forward to the establishment of such an institution;

5. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1998/95), in particular his concerns about the problem of impunity, the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisons and the ill-treatment of prisoners, and child prostitution and trafficking;

6. Expresses grave concern about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, and violence in relation to political activities including those of March 1997 and July 1997, as detailed in the reports of the Special Representative, and calls upon the Government of Cambodia to investigate urgently and prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

7. Also expresses grave concern at the situation of impunity in Cambodia and stresses that addressing the continuing problem of impunity, as detailed by the Special Representative, including the repeal of article 51 of the 1994 Law on Civil Servants and bringing to justice those responsible for human rights violations, together with ensuring security of persons and rights of association, assembly and expression, remains a matter of critical and urgent priority and essential to the creation of an atmosphere conducive to the holding of free, fair and credible elections;

8. Welcomes the legislative framework adopted by the National Assembly, but calls for the Constitutional Council to be convened as soon as possible, for the political atmosphere in the run-up to and during the elections to be free from intimidation, for the armed forces to remain neutral, for free and equal access for all political parties to the electronic and print media, for the individual vote to be confidential, for full cooperation to be given to local and international observers and for all parties to act in a constructive manner and to accept the outcome of the elections;

9. Also welcomes the return of political leaders from abroad, a key requirement towards a credible election process, and welcomes the role the office of the Secretary-General in Phnom Penh is playing in monitoring the return of political leaders and their unfeterred resumption of political activity;

10. Further welcomes the decision by the Secretary-General to accept the invitation from the Government of Cambodia for the United Nations to play a coordinating role in the international observation of elections scheduled for 26 July;

11. Calls upon Member States to contribute to the election process, including through election assistance, the provision of electoral observers and contributions to the trust fund;

12. Welcomes the ceasefire and calls upon all Cambodian parties to implement fully its terms and to facilitate the integration of all units into the Cambodian armed forces and guarantee their safety;

13. Urges the Cambodian Government, as a party to the Convention on the Elimination of All Forms of Discrimination against Women, to take all appropriate measures to eliminate discrimination against women, including in the political and public life of the country, and to combat violence against women in all its forms;

14. Urges the Government of Cambodia to take concrete action to combat child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and non-governmental organizations to develop an action plan;

15. Expresses appreciation to the Government and people of Thailand for the humanitarian assistance to displaced persons from Cambodia, welcomes the role of United Nations agencies in the repatriation of refugees and displaced persons, and calls on the Government of Cambodia to ensure their full re-integration into Cambodian society and political life, and, in particular, to exercise its best efforts to enable their participation in the forthcoming election;

16. Welcomes the signature in May 1997 of a memorandum of understanding between the International Labour Organization and the Government of Cambodia to formalize areas of cooperation in the field of child labour;

17. Notes with concern the Special Representative's comments about the judicial system and the prison administration, and strongly urges the Government of Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of

Magistracy, and to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;

18. Expresses grave concern at the devastating consequences of the use of anti-personnel landmines on Cambodian society and encourages the Government of Cambodia to continue its efforts for the removal of these mines and to give priority to adopting the draft law on banning all anti-personnel landmines;

19. Endorses the comments of the Special Representative that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and that their crimes, including the taking and killing of hostages, have continued to the present, and notes with concern that no Khmer Rouge leader has been brought to account for his crimes;

20. Requests the Secretary-General to examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, including the possibility of the appointment, by the Secretary-General, of a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

21. Encourages the Government of Cambodia to include Cambodian human rights non-governmental organizations in the rehabilitation and reconstruction of Cambodia;

22. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the United Nations High Commissioner for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

23. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fifth session on the role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government

and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-fifth session under the agenda item entitled "Advisory services in the field of human rights".

52nd meeting
17 April 1998
[Adopted without a vote. See chap. XVII.]

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